

ORDINANCE 76-48

To Repeal and Re-enact Chapter 18.04 of the Bloomington
Municipal Code, Entitled, "Fire Prevention Code"

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

SECTION I. Chapter 18.04 of the Bloomington Municipal Code entitled, "Fire Prevention Code", be repealed and re-enacted as follows:

Sections:

- 18.04.010 Adoption
- 18.04.020 Definition
- 18.04.030 Section 1.3 amended--Right of Entry
- 18.04.040 Section 3.4 deleted--Burning of Junked Automobiles
- 18.04.050 Section 28.1(a) amended--Permit Required
- 18.04.060 Section 28.1(b) amended--Location Restricted
- 18.04.070 Section 28.1(d) amended--Prohibition of Outdoor Fires
- 18.04.080 Section 28.11 amended--Fires on Land of Another
- 18.04.090 Fire Department Established
- 18.04.100 Appeals
- 18.04.110 Penalties

18.04.010 Adoption.

- (a) The following are adopted as the fire codes of the city, and each such code in its entirety is incorporated into this chapter and made a part thereof, as fully as though set out in its entirety herein:
 1. The National Fire Protection Association's National Fire Codes, Volumes 1-16, 1976.
 2. The Fire Prevention Code, as recommended by the American Insurance Association 1976 edition.
- (b) Two copies of each of the above codes shall be filed with the City Clerk and kept available for public inspection.

18.04.020 Definitions.

- (a) Wherever the word "municipality" is used in any of the codes adopted in Section 18.04.010, it shall mean the city.
- (b) Wherever the term "corporation counsel" is used in any of the codes adopted in Section 18.04.010, it shall mean the city attorney.

18.04.030 Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the fire chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this chapter, the fire chief or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire chief by this chapter; provided that if such buildings or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the fire chief or his authorized representative shall have recourse to every remedy provided by law to secure entry.

18.04.040 Section 3.4 deleted--Burning of Junked Automobiles. Section 3.4 of the Fire Prevention Code is amended by deleting such section, which section so deleted, reads as follows:

"The burning of wrecked or discarded automobiles or any parts thereof or junk or any waste materials shall be done only in designated open spaces or incinerator enclosures approved for burning purposes by the bureau of fire prevention."

18.04.050 Section 28.1(a) amended--Permit Required.
Section 28.1, subparagraph (a) is amended to read as follows:

- (a) Permit Required. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained within the city limits without permit or other proper authorization from the chief of the fire department. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

18.04.060 Section 28.1(b) amended--Location Restricted.
Section 28.1, subparagraph (b) is amended to read as follows:

- (b) Location Restricted. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless (1) the location is not less than fifty feet of any structure, or (2) the fire is contained in an approved waste burner located safely not less than fifteen feet from any structure. These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food."

18.04.070 Section 28.1(d) amended--Prohibition of Outdoor Fires. Section 28.1, subparagraph (d) is amended to read as follows:

- (d) Chief may Prohibit. The chief of the fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

18.04.080 Section 28.11 amended--Fires on Land of Another.
Section 28.11 of the Fire Prevention Code is amended to read as follows:

"No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent."

18.04.090 Fire Department Established.

- (a) The fire codes adopted by Section 18,04,010 shall be enforced by the fire department of the city which shall be established and which shall be operated under the supervision of the chief of the fire department.
- (b) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the board of public safety the employment of technical inspectors.

18.04.100 Appeals. Whenever the chief of the fire department disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the codes do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision

of the chief of the fire department to the Board of Public Works and safety within thirty days from the date of the decision appealed.

18.04.110 Penalties.

- (a) Any person who violates any of the provisions of the codes adopted in Section 18.04.010 or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order within the time fixed herein, is severally for each and every such violation and noncompliance, respectively, guilty of a misdemeanor, punishable as provided in Section 1.01.130. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and, all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION II. This ordinance shall be in full force and effect from and after its passage, promulgation and publication in accordance with the law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon the 19 day of August, 1976.



Clem J. Blume, President
Bloomington Common Council

ATTEST:


Karel Dolnick, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon the 20 day of August, 1976.


Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon the 23 day of August, 1976 at the hour of 9 o'clock, a.m.


Francis X. McCloskey, Mayor
City of Bloomington

Synopsis 76-48

The City of Bloomington's present fire code is outdated, it does not make any provisions for life safety. The proposed National Fire Code set standards for installation of lightning rods; fire doors and windows; incinerators; fire hazard exposure regulations; clearances for heat producing appliances; air conditioning and ventilating systems; blower and exhaust fumes; waterproofing of floors and drainage; chimneys; gas vents and heat producing appliances. The National Fire Code is currently enforced by the State Fire Marshall in all commercial structures. The present amendment would make these standards, including the "Fire Safety Code", applicable to residential structures within the City of Bloomington. The present amendment was requested by the City Engineering Department and Fire Department to aid in local enforcement of the regulation.

LIFE

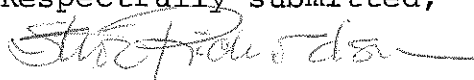
PROPOSED AMENDMENT TO ORDINANCE 76-48

(An ordinance to repeal and re-enact Chapter 18.04 of the Bloomington Municipal Code, entitled, "Fire Prevention Code".)

Amendment

18.04.030 Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the fire chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this chapter, the fire chief or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire chief by this chapter; provided that if such buildings or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the fire chief or his authorized representative shall have recourse to every remedy provided by law to secure entry.

Rationale The new ordinance adopts two fire codes as the "code" of the City. The change of wording from "Code" to "Chapter" in this section will eliminate the possibility of confusion between either of the adopted codes and the City's "code" (which is Chapter 18.04).

Respectfully submitted,

Legal Department

Second Proposed Amendment to Ordinance 76-48

(An Ordinance to repeal and re-enact Chapter 18.04 of the Bloomington Municipal Code, entitled, "Fire Prevention Code".)

Amendment:

18.04.010 Adoption.

- (a) The following are adopted as the fire codes of the city, and each such code in its entirety is incorporated into this chapter and made a part thereof, as fully as though set out in its entirety herein:
1. The National Fire Protection Association's National Fire Codes, Volumes 1-16, 1976.
 2. The Fire Prevention Code, as recommended by the American Insurance Association, 1976 edition.
- (b) Two copies of each of the above codes shall be filed with the City Clerk and kept available for public inspection.

Rationale

1. The amendment will correct the grammar of subsection (a).
2. The Fire Prevention Code, adopted by 18.04.010(a) 2 has been revised and should be adopted in its most current edition.

Respectfully submitted,

Herbert D. Hart

Legal Department